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PATENT COOPERATION TREATY

PCT/EP2003/000219



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 07763.4	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/000219	International filing date (day/month/year) 13 January 2003 (13.01.2003)	Priority date (day/month/year) 11 January 2002 (11.01.2002)
International Patent Classification (IPC) or national classification and IPC B21D 41/04		
Applicant ULRICH HUPERZ SCHWEISSTECHNIK GMBH & CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 July 2003 (21.07.2003)	Date of completion of this report 23 October 2003 (23.10.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-9 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-20 _____, filed with the letter of 18 September 2003 (18.09.2003)
- ☒ the drawings:
 pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 10

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 10
are so unclear that no meaningful opinion could be formed (*specify*):

SEE SUPPLEMENTAL SHEET

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III

No opinion can be expressed with respect to claim 10,
since it is incomplete. It is not possible to complete
said claim without contravening PCT Article 34(2)(b).

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-9, 11-20	YES
	Claims		NO
Inventive step (IS)	Claims	1-9, 11-20	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9, 11-20	YES
	Claims		NO

2. Citations and explanations

1. No particularly relevant prior art document is available. DE-A-32 31 493 and DE-A-38 02 807 can be regarded as the closest prior art. Independent claim 1 has been correctly delimited over these documents, but independent claim 12 has been drafted in one-part form.
2. The problem to be solved by the invention was that of providing a gastight seal for a gas supply system made of metal, which still remains gastight even when subjected to extreme pressure surges and can be easily manufactured, and a method for producing such a seal.

Said problem is solved by a combination of the features of independent claims 1 and 12, in particular by mechanical interlocking of the wall and the inserted plastically deformable material.
3. The present invention is regarded as novel, since no previously published document contains all of the features of the independent claims 1 or 12, taken individually or in combination.

4. The cited documents do not disclose the essential feature that the wall and the inserted material are mechanically interlocked. The available documents contain nothing that would prompt a person skilled in the art to provide such mechanical interlocking and to combine all of the features of the independent claims 1 and 12.
5. The present invention is regarded as industrially applicable because it can be manufactured or used in the motor vehicle industry, for example.
6. Claims 2-9, 11 and 13-20 are dependent on claim 1 or claim 12 and therefore likewise meet the PCT requirements with respect to novelty and inventive step.

Additional observations:

1. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description neither cites DE-A-32 31 493 and DE-A-38 02 807 nor indicates the prior art disclosed therein.
2. The description has not been brought into line with the claims (PCT Rule 5.1(a)(iii)).
3. Independent claim 12 has not been drafted in the two-part form defined by PCT Rule 6.3(b). However, in the present case the two-part form, as used in claim 1, would appear to be appropriate.